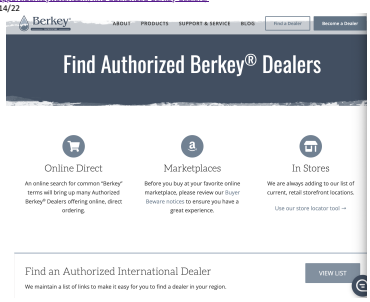
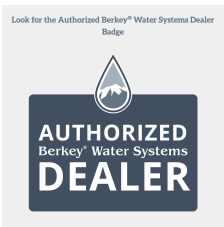
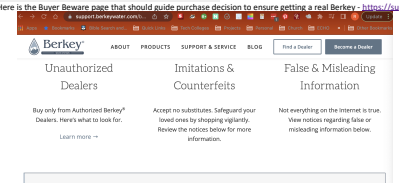
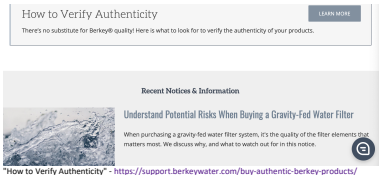
Berkey lawsuits

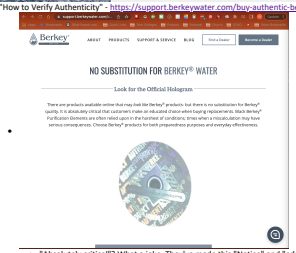
Saturday, October 8, 2022 7:26 AM

- Search for court records here - https://pacer.uscourts.gov/find-case/search-national-index
  - Charged $0.10 to search
  - Charged per page to access documents - make sure to download!
- https://www.survivalistboards.com/threads/aleaguure-pro.390459/page-2
  - This is a recent and interesting discussion about Berkey and some others. 2-3 posters are saying what I've been saying, and more!
    - The Farrell class action suit
      - Berkey lawsuit
        - https://www.docketbird.com/court-cases/Farrell-et-al-v-New-Millennium-Concepts-LTD/caed-2:2021-cv-01691
          - It appears to be a discrimination suit, racism - https://www.bloomberglaw.com/public/desktop/document/FarrellvNewMilleniumConceptsLtdDocketNo2221at00031EDCaljan142021Co/171664844983
      - Same Berkey lawsuit?
        - https://uvreporter.com/class-action-lawsuit-says-black-berkey%E2%93%A1-purification-elements-not-a-substitute-for-ultraviolet-water-treatment/
          - https://www.pacermonitor.com/view/KVOTXSQ/Farrell_et_al_v_New_Millennium_Concepts_LTD__tandce-22-00728__0042.0.pdf?mcid=tGE4TAMA
            - This might actually be the same lawsuit Bloomberg was talking about - yeah, it is!
              - So, it's not just diversity/discrimination - it's about the filter's ability - "diversity" refers to the class, all of the diverse consumers represented by the Plaintiffs
                - They only mention viruses and bacteria, but what about all those contaminants they say they filter to 3,000 gallons, but don't.
            - https://uvreporter.com/wp-content/uploads/2022/04/22-cv-00728-0001.pdf
              - Copy of the lawsuit filed in Sept 2021 - yep, they are suing for the things I found.
      - Case # ID the cases, and you can search them in Pacer
        - 2:21-cv-01691
          - https://ecf.caed.uscourts.gov/cgi-bin/HistDocQry.pl?965366044944398-L_1_0-1
          - Eastern California, last filing 3/30/22, seems to have been transferred to Texas
        - 3:22-cv-00728-M
          - https://ecf.txnd.uscourts.gov/cgi-bin/HistDocQry.pl?129869296523334-L_1_0-1
          - Northern Texas, date of last filing 8/31/22
          - Dang it, there are minutes from a hearing on 8/31/22, but they are not accessible. I wonder if they ever will be.
          - I'm reading some of the documents now
            - The original filing - 85 pages
              - The substance of their claim is the same as my conclusion in my Part 1 Betrayed video - dang!
              - NMC is based in Arlington, Texas
              - page 42 - starts talking about NSF
                - There is no federal regulation for residential water treatment filters or purifiers for private use
                - *AquaCera told me that the EPA just came out with reg on bacteria - need to read that reg
                - This is ongoing - it seems AquaCera is confused because the EPA reps said it's just that you have to register a filter that kills microbes, has a "pesticide" in it - waiting to hear back from one rep about whether the "entrap" language in the regulation includes merely trapping and not using a pesticide to kill.
                - AquaCera said it's the silver they had to register with the EPA
              - Exhibit 3 has lab results from an IAMPO lab
                - They tested to all the applicable NSF standards
                - They tested two filters at a time, so divide gallons by 2
                - Chloramine
                - At 100 gallons/filter, only 56.3% reduction
                - VOCs via surrogate Chloroform
                - 100 gallons/filter, 64.4% reduction
                - Hexavalent Chromium (Chromium 6)
                - 25 gallons/filter high pH = 1.1%
                - 50 gallons/filter, low pH = 41.3%
                - ...These numbers make me so very angry...
                - Nitrate
                - 25 gallons/filter = 8% reduction
                - *I am VERY curious to know how this compares with Jaime Young's results
                - Chloramine
                - In his 10-15-14 results, using the same influent concentration as this lawsuit's NSF/ANSI accredited lab, and testing to 200 gallons/filter as he said in his email to me, he got 99.9% reduction
                - The lawsuit's lab got a 56.3% reduction at 100 gallons/filter
                - What is Young's 100 gallon equivalent (since he did 200 gallons per filter)? I guess cross-multiply?
                - (99.9/200)=(y/100)
                - (y*200)=(99.9*100)
                - y=(9999/200)
                - y=50%
                - Somehow, I don't think this works :)
                - Yeah...idk how to find what the equivalent would be, but since 100 gallons is less than 200, obviously Young's results would be even better than 99.9% reduction.
                - So, how does Young compare to the IAPMO test in the lawsuit?
                - 99.9-56.3=43.6
                - 43.6%
                - That is a large discrepancy!
                - It's even worse when you consider that the lawsuit did 100 gallons/filter and Young did 200 gallons/filter
                - if the lawsuit filters did horribly at 100 gallons, they would do even worse at 200 gallons/filter
                - What is the pattern of decrease - maybe I could apply it to Young's results
                - 0.5 gallon = 98.4%
                - 25 gallons = 87.1
                - 50 gallons = 70.4
                - 100 gallons 56.3
                - First doubling of volume is a difference of 87.1-70.4=16.7%
                - Second doubling is 70.4-56.3=14.1 %
                - Percentage reduction from first is (14.1/16.7)*100=84.4311
                - 100-84.4311=15.57% reduction
                - 14.1-(14.1*0.1557)=11.9046
                - 11.9%
                - Or, mean is (16.7+14.1)/2=15.4%
                - Combine the two for (11.9+15.4)/2=13.65%
                - So! If a 13.65% reduction for the Third doubling of 100 gallons/filter to 200 gallons/filter, then you get 56.3-(56.3*0.1365)=48.6%
                - So, it's more like a 49% percent discrepancy!
                - Whoa!
                - Why?
                - Options
                - Young was given a relatively good example of a Berkey black filter element that is not representative the Berkey black elements in general
                - Young cannot do tests accurately
                - Young lied
                - IAPMO lab cannot do tests accurately
                - IAPMO lab lied
                - The plaintiffs gave the IAPMO lab filters that do not represent the Berkey black elements as whole
                - Gave them counterfeit filters
                - Gave them filters from a bad batch
                - Which options seem probable?
                - Berkey gave Young an unusually good filter
                - Seems unlikely they would go to that kind of trouble, or even know how to
                - No way for me to know.
                - Young cannot do tests accurately
                - Need to examine his lab's credentials
                - Young lied
                - Hard to determine this though
                - Plaintiffs doctored the filters
                - Unlikely that an IAPMO lab would not notice something fishy
                - Unlikely if plaintiffs are telling the truth early in the court document that they have no special training
                - Possible if they hired someone to doctor the filters
                - Impossible for me to determine one way or the other
                - Plaintiffs gave unrepresentative filters
                - Unlikely considering that there's nothing unique about Berkey filters - it's just the same ol' carbon filters found anywhere
                - Berkey has never demonstrated that they are unique
                - Even Idk-what-to-make-of-him Jamie Young told the NYT that the Berkey filters don't look proprietary or unique at all
                - Even if he were a shill, that would just make it even worse that they so obviously aren't special filters
                - What about Berkey's instructions on authentication of their filters?
                - https://support.berkeywater.com/find-authorized-berkey-dealers/
                - 10/14/22
                - 

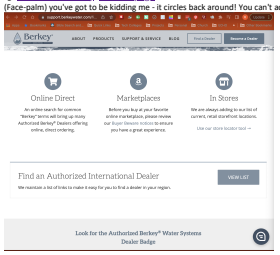
                - 

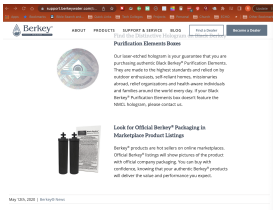
                - Here is the Buyer Beware page that should guide purchase decision to ensure getting a real Berkey - https://support.berkeywater.com/buyer-beware/
                - 

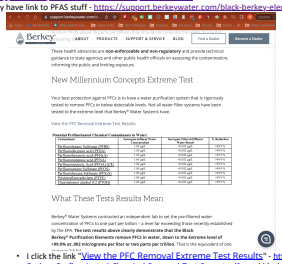


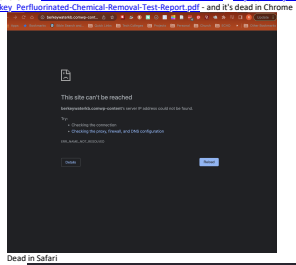
- "How to Verify Authenticity" - https://support.berkeywater.com/buy-authentic-berkey-products/
  - 

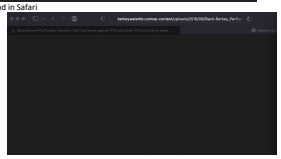
  - "Absolutely critical"? What a joke. They've made this "Notice" and "educated choice" process so anti-mission critical it's funny.
  - Clicking "Additional Tips for Online Shopping" - https://support.berkeywater.com/buying-authentic-berkey-products/
    -

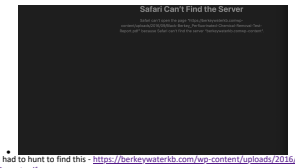
    - Clicking "Authorized Berkey® Dealers page"
      - (Face-palm) you've got to be kidding me - it circles back around! You can't actually locate a single authorized dealer anywhere!
      - 

    - 

  - So the key to getting authentic Berkey products is a three step process
    - Find authorized dealers listed on a list that doesn't exist
    - Find an iridescent sticker that I could easily counterfeit, especially if I have relationships with Chinese manufacturers.
      - I just googled "order iridescent stickers" and the first thing that popped up is Zazzle.com where I can pick from any number of sticker options at an affordable price
        - what consumer is going to check that the angle and pattern of reflected light on the sticker matches Berkey's stop-motion and static standards to which they should compare the one on their package?
      - What if the sticker fell off?
      - What if the factory worker or machine failed to put the sticker on there?
      - You know, many brands across many sectors have this thing called a serial # and a batch # - I guess Berkey is just too naïve and behind the times to include such an innovative way of verifying a product! (they are liars)
    - Find dealers who have photos of "Official" packaging
      - What constitutes "official"? You're seriously going to trust photos?
- Notices
  - https://support.berkeywater.com/water-filter-potential-risks/
    - They have link to PFAS stuff - https://support.berkeywater.com/black-berkey-elements-pfoa-pfcs/
    - 

    - I click the link "View the PFC Removal Extreme Test Results" - https://berkeywaterkb.comwp-content/uploads/2016/09/Black-Berkey_Perfluorinated-Chemical-Removal-Test-Report.pdf - and it's dead in Chrome
      - 

      - Dead in Safari
      - 

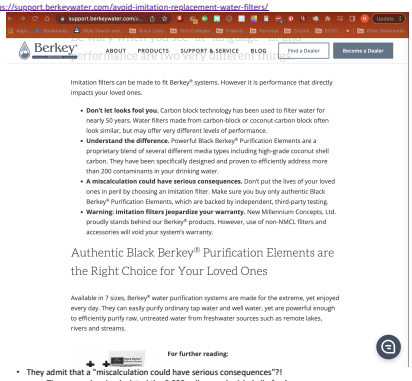


- I had to hunt to find this - https://berkeywaterkb.com/wp-content/uploads/2016/09/Black-Berkey_Perfluorinated-Chemical-Removal-Test-Report.pdf
  - Guess how many gallons? 25.
  - That is (25/3000)*100=0.8333% of the advertised life of the filter
  - Jaime Young seems to have merely used PFOA (C8) as surrogate for all of the PFAS in this test - but can that be done? Do they all behave chemically the same?
  - So.....when Berkey says above that it did an "an extreme level" of testing, they didn't. It's a lie. I'm angry.
  - Throw in Knappe's students' findings, and it's obviously a lie - https://pubs.acs.org/doi/suppl/10.1021/acs.estlett.0c00004/suppl_file/ez0c00004_si_001.pdf -

Central NC	City of Durham	---	---	---		0.6	2.8	1.2	1.9	2.5	<MDL	1.2	1.0	2.9	<MDL	<MDL
---	---	LG	Refrigerator	4		0.2	<MDL	<MDL	<MDL	0.0	<MDL	<MDL	<MDL	<MDL	<MDL	<MDL
Central NC	Well	---	---	---		<MDL	<MDL	0.7	0.9	2.7	3.8	3.4	2.3	1.9	<MDL	0.4
---	---	Berkey	Pitcher	12		<MDL	<MDL	<MDL	0.2	<MDL	<MDL	<MDL	<MDL	<MDL	<MDL	<MDL
Central NC	City of Durham	---	---	---		0.6	2.4	1.1	2.1	3.6	0.4	0.9	1.1	2.9	<MDL	<MDL
---	---	Berkey	Pitcher	6		0.2	<MDL	<MDL	1.5	0.1	<MDL	0.2	<MDL	<MDL	<MDL	<MDL
Central NC	Cary / Apex WTP	---	---	---		0.9	1.1	1.0	12.1	1.5	14.1	19.2	14.4	4.4	<MDL	<MDL
---	---	Berkey	Pitcher	24		0.2	<MDL	<MDL	14.1	<MDL	13.9	2.5	<MDL	<MDL	<MDL	<MDL

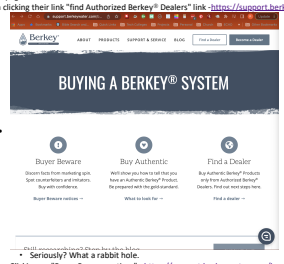
  - It filtered some, but not to the advertised capacity of 3,000 gallons (assuming 4-5 gallons per day with just one element, but the boxes come with 2 elements, way over 24 months-worth of water filtration), and it even added a PFAS back into the water in one instance!
  - Competitors beat them in this comparison.
- There's not any new information here on how to find an authorized dealer

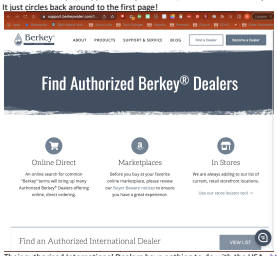
- https://support.berkeywater.com/avoid-imitation-replacement-water-filters/

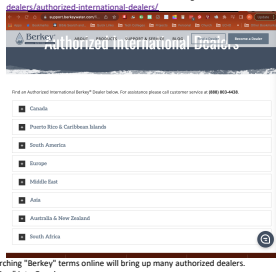


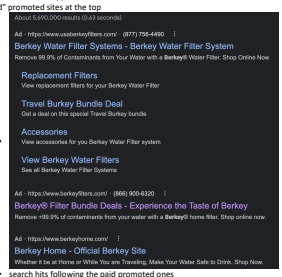
  - They admit that a "miscalculation could have serious consequences"?!
    - They severely miscalculated the 3,000 gallons and misled all of us!
- https://support.berkeywater.com/counterfeit-water-filter-warning/
  - Wow. This is pretty good. It's like they published a how-to guide on how we can hold them accountable for their fraud. Kind of ironic.
  - They claim that NSF 53 only requires a 25% reduction to qualify
    - If that's true, then I have a lot of re-examining and possibly recanting to do
    - It does annoy me, as I posted in my NYT Wirecutter comment post, that NSF puts a paywall up so you can't read the standard, that's not right.
    - I took Dr. Richardson's word for it that NSF 53 was the gold standard and best.
      - Dr. Knappe actually has numbers, though.
    - Wait...25% of what? What is the reference number?
    - Wait...doesn't NSF Standard 53 test the advertised capacity and how much it filters? Not just some generic 25% reduction from whatever the initial influent concentration was?
      - I need to get a copy of Standard 53
      - Well, I have a copy of 58 for 2009 version for RO systems, and on page 30 it says "200% of the estimated service cycle" or "estimated capacity"
        - This gives a "2:1" safety factor
      - Okay! Here we go - the WQA rep, Jillian, wrote me on 8-2-22 and said that NSF 53 tests to 200% of the "advertised capacity" if the device has no performance sensors and indicators, and to 120% if it does.
      - But.....this isn't very clear about whether this is inclusive of how much contaminant is actually reduced, need to know the amount of chalenge contaminant and the amount of effluent
    - So, how much do contaminants have to be reduced to be NSF certified?
      - Reading 58 from 2009
        - Page 32 for Chromium-6 (hexavalent)
          - Influent = 0.3 mg/L
          - Max allowable effluent = 0.1 mg/L
          - 0.1/0.3=0.3333, so 66% reduction
          - That doesn't seem good until you remember that it's for 200% of the life of the advertised life of the filter!
    - Yeah, I've got to get copies of the most recent standards 53 and 58
      - https://share.ansi.org/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2fShared%20Documents%2fStandards%20Activities%2fAmerican%20National%20Standards%2fApproved%20and%20Proposed%20ANS%20Lists&FolderCTID=0x012000194F95C796227A438566C464851845DB
        - I've got the reference info I need - "NSF International" or page 761
          - They say the most recent is from August 2022
          - But the store says it's from 2021 - https://webstore.ansi.org/Standards/NSF/NSFANSIS32021 (a $405 paywall! Sheesh)
  - They say don't trust China
    - Yet they have Chinese test results...at least, nameless 2012 test results other than the people signing it with Chinese-sounding names.
- https://support.berkeywater.com/the-fallacy-of-all-in-one-fluoride-reduction-filters/
  - About fluoride reduction
    - They fail to mention they use alumina - AquaCera notes specifically they do not use it - https://www.aquaceradirect.com/products/cerametix-gf-gravity-chloramine
      - Yum, brain-healthy alumina water!
    - They say that a "set" of their Flouride add-on filters remove 1,000 gallons before needing to be replaced, based off of their calculation
      - I assume that calculation is done as follows
        - Assuming one filter
          - influent flouride concentration = 3.82
          - average effluent (.1+.06+.07+.07+.07+.11)/6=0.08
          - Difference between concentrations is 3.82-0.08=3.74 is average amount filtered in first 100 gallons
        - "normal contamination conditions" - https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4547570/
          - 1.2
          - 3.74/1.2=3.1167
        - 100 gallons
          - 100*3.1167=311.67
        - Assuming two filters
          - 311.67*2=623.34
        - 623 gallons
          - Um...that's not 1,000 gallons
          - Maybe they used the 0.7 from the US Public Health Service recommendation
          - 3.74/0.7=5.3429
          - 5.3429*100=534.29
          - 534*2=1,068
          - Yeah, that's what they did
      - Here is the problem I see with that method of calculation. It assumes a constant rate of filtering performance over the life cycle of the filter and ignores the real possibility of a logarithmic curve, where performance drops off more and more precipitously as more water is filtered through
        - That's one of the reasons the NSF actually does, you know, tests instead of imaginary numbers like Berkey.
        - For example, ZeroWater notes there is a difference between performance at 100% of life cycle and 200% of life cycle - https://zerowater.com/pages/results
          - What would it show if they tested to 80 gallons? Not a constant peformance for the next 1000 gallons, that's for sure, and probably not a constant rate of decrease, but a deceleration of filtering performance (the rate of deceleration might be constant, but the raw numbers might get worse and worse)
- Unauthorized dealers - https://support.berkeywater.com/buyer-beware/notice-of-unauthorized-dealers/
  - They cover more of their bases with this one

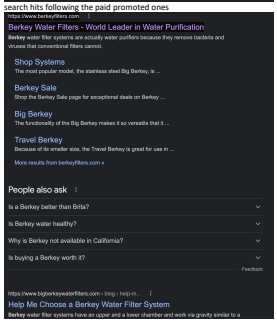
    - What "Authorized Berkey® Dealer logo on the website" am I to look for? Just those words with a little registered emblem? I copied and pasted this into my notes - that's not proof of authenticity, that's a joke.

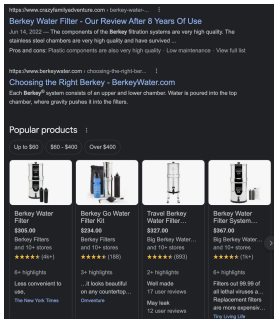
- That phone number was not there about a year or so ago when I was looking for extra filters. That's new. I wonder if I can find archived copies of this webpage...
- I'm clicking their link "find Authorized Berkey® Dealers" link -https://support.berkeywater.com/buying-a-berkey-system/
  - 

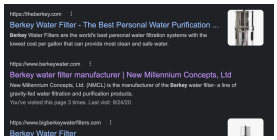
    - Seriously? What a rabbit hole.
  - Clicking on "Buyer Beware notices" - https://support.berkeywater.com/buyer-beware/
    - Lol, this just circles back to one of the beginning links!
  - Clicking "What to look for" under "Buy Authentic" - https://support.berkeywater.com/buy-authentic-berkey-products/
    - This is the same as the prior link - "How to Verify Authenticity" - about the iridescent (they say it's a hologram, but I think it's merely iridescent) sticker
      - Who designed this site? Poor design, or nefariously designed to frustrate users off the path. This is the most convoluted "Notice" to help consumers I've encountered.
  - Clicking "Find a dealer" - https://support.berkeywater.com/find-authorized-berkey-dealers/
    - LOL! It just circles back around to the first page!
      - 

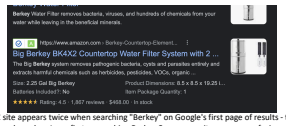
      - Their authorized International Dealers have nothing to do with the USA - https://support.berkeywater.com/find-authorized-berkey-dealers/authorized-international-dealers/
      - 

- Earlier page said searching "Berkey" terms online will bring up many authorized dealers.
  - I'm typing "Berkey" into Google
    - The entries in order of appearance
      - "Ad" promoted sites at the top
        - 

        - search hits following the paid promoted ones
        - 

        - 

        - 



- The NMC site appears twice when searching "Berkey" on Google's first page of results - though there's not much to distguish it from the other sites, and I remember when I was first researching Berkey 8 years ago, it was very confusing about which company was the real one - it took me a while to figure out NMC was the original distributor...
  - Gosh, it's still so confusing, though - "Berkey Home - Official Berkey Site" isn't NMC's site. That's really confusing.
  - When I click on those pages, they both have notices about unauthorized dealers
    -

    -

    -

    -

    - Not noticeable for a "Notice", smaller print at the bottom of the page, have to scroll down - I've been on at least two different websites that put running banners at the top about fraudulent dealers mimicking the real one, on e was a supplement company and the other was...it actually wasn't a webstore, it was a free software you could download, and they were talking about malicious software that was similar. The point is, if a company wants something noticed, they make sure it gets noticed. Clearly, NMC doesn't think this "Notice" is worth customers actually noticing.
    - I also remember about a year ago when I was looking for extra filters, their guidance at that "Notice" link was vague and there was no way to verify other than a lable - it's more robust now - there was no phone number you could call, no lists of unauthorized dealers, nothing but an easily counterfeited sticker and logo. Interesting timing considering the when the lawsuit was filed...seems like the lawsuit got their attention and they actually did - or made it look like - they were doing their job and guiding
    -
- Do the other sites on the first page mention unauthorized dealers?
  - Searched landing page of each for "unauthorized" - none of them had it
- Are the other sites authorized dealers?
  - There's no list on NMC's site! There's no way to determine.
    - Give them your $$$ and cross your fingers that you get a shiny sticker!

- So...which options seem probable to me?
  - Berkey gave Young an unusually good filter
  - Young cannot do tests
  - Young lied
- No way to know for sure one way or the other
  - It does make me question Young's lab's legitimacy when I couple it with his inability to communicate with me clearly about the lead filtration - his number didn't match what he'd given the NYT
  - He also never thought to maybe put on the test how many gallons he put through the filters? Yes, he did, because he's not stupid - he's able to run that lab! Which suggests lying.
- Well, I just looked at the Exhibit 3 pdf, and it looks like it was box unit from Berkey - it was legit, they have photos.
  - Yeah, it meets Berkey's own tests for authenticating, unless the little sticker fell off

- VOCs via surrogate Chloroform
  - IAPMO
    - 100 gallons/filter, 64.4% reduction
  - Young didn't test for Chloroform
- Hexavalent Chromium (Chromium 6)
  - IAPMO
    - 25 gallons/filter high pH = 1.1%
    - 50 gallons/filter, low pH = 41.3%
  - Young
    - He failed to say if was Chromium-6 or Chromium-3, but Chromium-6 is the only toxic one for the most, so we will assume that's what he tested
      - 200 gallons/filter High pH = 99.9%
        - Discrepancy of, at the very least, 99.9-1.1=98.8%
      - 200 gallons/filter Low pH = 99.9%
        - Rough discrepancy of at the very least 99.9-41.3=58.6%
      - ……..?
        - I'm so angry.
          - This is negligence or fraud.
            - Someone, either Berkey, Young, or both, are lying, and Young is looking pretty bad right now.
- Nitrate
  - 25 gallons/filter = 8% reduction
  - Young didn't test for Nitrate

- Page 53
  - They say that the industry only recognizes chemical and UV treatment to get rid of bacteria and viruses
    - *What does this mean for Doulton and Katadyn's claims?
  - They say that if mechanical means are used, microbes overgrow the filter within 24-48 hours
- Reading the back and forth between NMC and Plaintiffs about dismissing the case
  - Plaintiffs claim (as they also did in the original document) that only very dense AC blocks will filter microbes, and only then under high pressure. And even when they do, the filters have to be replaced every 2 days or so
  - Page 21 talks about NMC's own third party lab tests
    - They note that Young's lab provides "no protocols" and are "therefore subject to reasonable doubt"
  - Wow, the NMC defense response is hilariously pathetic
    - They know they are doomed, and they are just buying time and money, cutting their losses

- Another Berkey lawsuit - https://ecf.nysd.uscourts.gov/cgi-bin/DktRpt.pl?854984618741314-L_1_0-1 **(Don't click on this link unless you want to be charged!********)**
  - https://ecf.nysd.uscourts.gov/doc1/127130366984 **(If you click on this, you get billed - I already downloaded the document**********)**
    - One World Filter Corp is business side of the One World Filter Foundation - https://oneworldfilter.org/
      - The Corp exists under the laws of the British Virgin Isles, and it's principle place of business is Hong Kong
        - ?
        - It was formerly Silver Rock International Limited
    - OWF wants to eliminate water-borne illness
    - Whoa...multi-billion market for filters.
    - They seem to have contracted with Koslow to use Koslow's innovative filter tech to distribute filter kits around the world
      - One World Filter Systems and ONF Humanitation kits
        - It consists of three filters in a pack
          - Sediment prefilter
          - AC prefilter
          - Nanotech filter that uses Kaslow (KTC)
            - Nanotech Filter 1 is the name used by OWF for customers
    - "The OWF Filter Pack 1 is a three-stage filtration system that was and continues to be promoted, based on the same or similar representations from KTC Defendants, as having 24 performance claims and being capable of removing all microbiological threats (such as bacteria, viruses, parasites and protozoan oocysts) and a myriad of pesticides, herbicides, pharmaceuticals, industrial chemicals, asbestos, chlorine, chloramine, rust and sediments, and in addition is capable of removing nearly all microplastics. "
    - KTC failed, supposedly, to actually make the filters to spec and get them certified to NSF standards by the IAPMO
      - KT has one of Trump's son-in-laws on the board - https://www.dailymail.co.uk/news/article-9176933/Tiffany-Trumps-fiance-heir-billion-dollar-empire-brother-stars-Crown.html
      - Berkshire Hathaway owns a water filter company called Marmon Water - https://www.marmon.com/business-groups/water/
        - They bought Kaslow's old company - https://ktech.com/
        - Residential solutions
          - https://www.ecowater.com/home-water-solutions/
          - https://filtrextechnologies.com/
    - KTC offered the tech to NMC, Michael Boulos, and others, even though those rights were reserved for OWF
    - NMC colluded with KTC to push OWF out, as did Boulos
    - A lot of this blacked out - there are other colluders not revealed
    - (I just searched "koslow" and "ktc" and "kt" and "fusion" and "one world" in IAPMO database, there' s nothing)
    - Koslow falsified test results!
      - He tried to convince OWF to skip IAPMO, and he's failed to get the agreed-upon test results from IAPMO
    - Berkey was going to buy the prefilter inventory, and maybe all of the filter stuff
    - (It does seem like some of the filter performance metrics are decent, but some are not, and the unwillingness to get the NSF certs is a huge red flag)
    - So, basically this is all garbage - https://www.fusionfiltration.com/test-results
      - This is the Koslow Tech website

- DKR in one of the Survivalist forums notes 9/5/22 the weirdness of Envirotek, though I'm not sure those addresses are current - doesn't match what I saw.
  - "Quality Filter Testing Laboratory, LLC, located in Williamstown, New Jersey, an independent ISO 17025 laboratory certified by ANAB." is what it says on the Zero Water site - https://zerowater.com/pages/results